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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/762,893	02/13/2001	Ursula Schindler	02481.1734	1265
22852	7590	09/11/2003		
FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER LLP 1300 I STREET, NW WASHINGTON, DC 20005			EXAMINER	
			FORD, JOHN M	
			ART UNIT	PAPER NUMBER
			1624	

DATE MAILED: 09/11/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.	09/26223	Applicant(s)	Schindler
Examiner	J. M. Ford	Group Art Unit	1684

—The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address—

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE ~~THREE~~ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication .
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Status

Responsive to communication(s) filed on July 31, 2003

This action is **FINAL**.

Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

Claim(s) 1--8/11-15, and 18-26 is/are pending in the application.

Of the above claim(s) 11,12, 18, 19, 22 and 23 is/are withdrawn from consideration.

Claim(s) 1-8, 13-15, 20 and 21 is/are allowed.

Claim(s) 24 - - 26 is/are rejected.

Claim(s) _____ is/are objected to.

Claim(s) _____ are subject to restriction or election requirement.

Application Papers

See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

The proposed drawing correction, filed on _____ is approved disapproved.

The drawing(s) filed on _____ is/are objected to by the Examiner.

The specification is objected to by the Examiner.

The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119 (a)-(d)

Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

All Some* None of the CERTIFIED copies of the priority documents have been received.

received in Application No. (Series Code/Serial Number) _____

received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

Attachment(s)

Information Disclosure Statement(s), PTO-1449, Paper No(s). _____ Interview Summary, PTO-413

Notice of Reference(s) Cited, PTO-892 Notice of Informal Patent Application, PTO-152

Notice of Draftsperson's Patent Drawing Review, PTO-948 Other Appendix A

Office Action Summary

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Applicants' response of July 31, 2003, is noted.

The claims in the application are claims 1—8, 11—15 and 18—26.

The proviso at the end of claim 1 suggested the presence of close prior art.

However, in the interest of compromise claims 1—8, 13—15, 20, 21 will be allowed if claims 11, 12, 18, 19, 22 and 23—26 are cancelled, so the application can be allowed.

This is a 371 application. The content of the examined subject matter in 371 applications is governed by 37 CFR 1.475 which indicates clearly that in addition to the elected compounds applicants are entitled to have one process of preparing examined and one method of use. Angina pectoris is taken to be that method in claims 24—26. However, claims 24—26 are dependent on method claims that contain multiple uses. If claims 24—26 are rewritten as complete method claims within themselves, dependent only on claims 1 or 5, they will be examined here.

Claims 11, 12, 18, 19 and 22—26 stand withdrawn, for the reasons of record.

Note Appendix A Unity of Invention Practice in International Applications entered under 371.

PCT Rule 13.2

1134 O.G. 195 A product; a process, a method. *(upper right corner)*

1134 O.G. 197, *(lower right corner)* A means one product; one process; one method.

Summary

Claims 24—26 are acceptable if rewritten as noted. The other withdrawn claims are not acceptable method claims for the reasons of record, i.e. they are multiple and

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not believable on their face; no established regimen of treatment, undue experimentation to find out what host-dosage relationship would produce what result.

Note the paragraphs that the vague utility stated, was not a real world utility. *(Previous Office Action)*

If applicants want certain documents considered, a complete 1449 is needed in regard to those documents.

John M. Ford: jmr

September 5, 2003



JOHN M. FORD
PRIMARY EXAMINER
GROUP - ART UNIT 1624